

EXHIBIT I

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VIA E-MAIL

Brian A. Hill, Esq.
Miller & Chevalier
655 Fifteenth Street, NW
Suite 900
Washington, DC 20005-5701

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*
Docket No. 04-CV-397 (GBD)(RLE)

Dear Brian:

I write with respect to plaintiffs' motion to overrule defendants' authenticity and hearsay objections to their own records, the vast majority of which defendants produced in discovery.

As the Court suggested, I enclose a list of the 177 proposed trial exhibits at issue in the motion (plus one additional similar exhibit) organized to provide information regarding why defendants' own records are authentic and not excludable as hearsay. (Plaintiffs are working on a list for all proposed trial exhibits, which we will provide in due course; but we provide this list now to avoid delay on the pending motion.)

Now that plaintiffs have provided the list related to the pending motion, defendants' proposal that the motion should be "withdrawn" or "stayed indefinitely" is moot.

Please let us know whether you still need to ask the Court for an enlargement of the current due date for the pending motion relating to defendants' authenticity and hearsay objections to their own records, and, if so, what you propose.

Sincerely,


Kent A. Yalowitz

Encl.

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**TRIAL EXHIBITS AT ISSUE IN
PLAINTIFFS' MOTION TO OVERRULE
DEFENDANTS' AUTHENTICITY AND HEARSAY OBJECTIONS
TO THEIR OWN RECORDS**

Plaintiffs have sought the Court's assistance to resolve defendants' authenticity and hearsay objections to their own records. Defendants produced the vast majority of the records in discovery in this case, and most of those after the discovery cutoff. The records fall into the following five categories:

1. PA Employment Records of certain individuals
2. Records of the PA's Ministry of Detainees' Affairs
3. Records of the PA's and PLO's Institute for the Care of the Families of Martyrs and the Wounded ("Martyr Files")
4. Records of the PA's General Intelligence Service ("GIS")
5. Records of the PA's Ministry of Finance

I. Employment Records

- A. The following proposed trial exhibits are PA employment records produced by the defendants:

Ex. No.	Description
1	Defendants' Bates No. D 02: 000590-91.
2	Defendants' Bates No. D 02: 004473-75.
3	Defendants' Bates No. D 02: 004476-78.
4	Defendants' Bates No. D 02: 004479-81.
5	Defendants' Bates No. D 02: 004482-83.
6	Defendants' Bates No. D 02: 004484-86.
7	Defendants' Bates No. D 02: 004487-91.
8	Defendants' Bates No. D 02: 004492-96.
9	Defendants' Bates No. D 02: 004497-99.
10	Defendants' Bates No. D 02: 004500-04.
11A	Defendants' Bates No. D 02: 004505-07.
11B	Defendants' Bates No. D 02: 004508-10.
11C	Defendants' Bates No. D 02: 004511-13.
13	Defendants' Bates No. D 02: 006031-33.
15	Defendants' Bates No. D 02: 006363-68.
25	Defendants' Bates No. D 02: 007328.
36B	Defendants' Bates No. D 02: 008957-60.
36C	Defendants' Bates No. D 02: 008961-66 (at 02:008961-64 only).

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36D	Defendants' Bates No. D 02: 008967.
43	Defendants' Bates No. D 02: 008991-92.
44	Defendants' Bates No. D 02: 008994-95.
46	Defendants' Bates No. D 02: 008998.
47	Defendants' Bates No. D 02: 008999-9001.
48	Defendants' Bates No. D 02: 009002.
49	Defendants' Bates No. D 02: 009003-21.
55	Defendants' Bates No. D 02: 009042.
58	Defendants' Bates No. D 02: 009046.
59	Defendants' Bates No. D 02: 009049.
62	Defendants' Bates No. D 02: 009131-33.
88	Defendants' Bates No. D 02: 009412.
89	Defendants' Bates No. D 02: 009413.
90	Defendants' Bates No. D 02: 009414.
91	Defendants' Bates No. D 02: 009416.
94	Defendants' Bates No. D 02: 009433-55.
95	Defendants' Bates No. D 02: 009456-81.
103	Defendants' Bates No. D 02: 009501-04.
104	Defendants' Bates No. D 02: 009505-06.
105	Defendants' Bates No. D 02: 009507-08.
106	Defendants' Bates No. D 02: 009509.
107	Defendants' Bates No. D 02: 009510-31.
108	Defendants' Bates No. D 02: 009532.
109	Defendants' Bates No. D 02: 009533-36.
110	Defendants' Bates No. D 02: 009537-39.
111	Defendants' Bates No. D 02: 009540-43.
112	Defendants' Bates No. D 02: 009545.
113	Defendants' Bates No. D 02: 009546.
114	Defendants' Bates No. D 02: 009547.
115	Defendants' Bates No. D 02: 009548-54.
116	Defendants' Bates No. D 02: 009555.
118	Defendants' Bates No. D 02: 009576-9623.
119	Defendants' Bates No. D 02: 009624-25.
120	Defendants' Bates No. D 02: 009627-28.
121	Defendants' Bates No. D 02: 009631.
122	Defendants' Bates No. D 02: 009632.
123	Defendants' Bates No. D 02: 009633-36.
125	Defendants' Bates No. D 02: 009639.
126	Defendants' Bates No. D 02: 009640.
127	Defendants' Bates No. D 02: 009641.
128	Defendants' Bates No. D 02: 009642-52.
891	Defendants' Bates No. D 02: 009030.
892	Defendants' Bates No. D 02: 009031-32.
895	Defendants' Bates No. D 02: 009415.
896	Defendants' Bates No. D 02: 009544.
897	Defendants' Bates No. D 02: 009629-30.

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B. Basis for Authenticity

These documents are authentic PA employment records, as seen from the face of the documents, the fact that defendants produced them in response to document requests seeking employment records, the fact that defendants designated them as containing private financial and/or employment information, and the fact that defendants successfully insisted that they remain confidential on the ground that they contain private financial and/or employment information. *See* Fed. R. Evid. 901(b)(4).

C. Response to Hearsay Objection

Defendants' hearsay objections are invalid because these documents are:

1. Admissions. Fed. R. Evid. 801(d)(2);
2. Records of a regularly-conducted activity. Fed. R. Evid. 803(6);
3. Public records. Fed. R. Evid. 803(8); and
4. Material qualifying for the residual hearsay exception. Fed. R. Evid. 807.

D. Foundational Witness (if necessary)

If there is a genuine dispute as to authenticity or hearsay, plaintiffs will require defendant PA to produce a witness or witnesses with knowledge of the employment records' creation, maintenance, and production. Fed. R. Evid. 901(b)(1).

II. Records of the Ministry of Detainees' Affairs

- A. The following proposed trial exhibits are records of the PA's Ministry of Detainees' Affairs produced by the defendants:

Ex. No.	Description
18	Defendants' Bates No. D 02: 006775-78.
26	Defendants' Bates No. D 02: 007731-42.
36C	Defendants' Bates No. D 02: 008961-66 (at 02:008965-66 only).
36E	Defendants' Bates No. D 02: 008968.
37	Defendants' Bates No. D 02: 008969-70.
38	Defendants' Bates No. D 02: 008971-75.
39	Defendants' Bates No. D 02: 008976-79.
40	Defendants' Bates No. D 02: 008980-81.
41	Defendants' Bates No. D 02: 008982-84.
42	Defendants' Bates No. D 02: 008985-87.
50	Defendants' Bates No. D 02: 009024-26.
51	Defendants' Bates No. D 02: 009027-29.
52	Defendants' Bates No. D 02: 009033-35.
53	Defendants' Bates No. D 02: 009036-38.

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54	Defendants' Bates No. D 02: 009039-41.
61	Defendants' Bates No. D 02: 009081-9130.
63	Defendants' Bates No. D 02: 009134-63.
64	Defendants' Bates No. D 02: 009164-77.
65	Defendants' Bates No. D 02: 009178-9200.
66	Defendants' Bates No. D 02: 009201-26.
67	Defendants' Bates No. D 02: 009227-37.
69	Defendants' Bates No. D 02: 009232-34.
70	Defendants' Bates No. D 02: 009235.
71	Defendants' Bates No. D 02: 009238-56.
72	Defendants' Bates No. D 02: 009257-72.
73	Defendants' Bates No. D 02: 009273-76.
75	Defendants' Bates No. D 02: 009287-95.
76	Defendants' Bates No. D 02: 009296-9304.
83	Defendants' Bates No. D 02: 009305-43.
84	Defendants' Bates No. D 02: 009354-64.
85	Defendants' Bates No. D 02: 009365-68.
86	Defendants' Bates No. D 02: 009369-85.
87	Defendants' Bates No. D 02: 009400-11.
96	Defendants' Bates No. D 02: 009482-9500.
117	Defendants' Bates No. D 02: 009556-75.
893	Defendants' Bates No. D 02: 009277-86.
894	Defendants' Bates No. D 02: 009344-53.

B. Basis for Authenticity

These documents are authentic records of the PA's Ministry of Detainees' Affairs, as seen from the face of the documents, the fact that defendants produced them in response to document requests seeking records concerning payments to specific convicted criminals, the fact that defendants designated them as containing private financial information of said criminals, and the fact that defendants successfully insisted that they remain confidential because they contain private financial information. *See* Fed. R. Evid. 901(b)(4).

C. Response to Hearsay Objection

Defendants' hearsay objections are invalid because these documents are:

1. Admissions. Fed. R. Evid. 801(d)(2);
2. Records of a regularly-conducted activity. Fed. R. Evid. 803(6);
3. Public records. Fed. R. Evid. 803(8); and
4. Material qualifying for the residual hearsay exception. Fed. R. Evid. 807.

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D. Foundational Witness (if necessary)

If there is a genuine dispute as to authenticity or hearsay, plaintiffs will require defendant PA to produce a witness or witnesses with knowledge of the Ministry of Detainees' Affairs records' creation, maintenance, and production. Fed. R. Evid. 901(b)(1).

III. Martyr Files

A. The following proposed trial exhibits are records of the PA's and PLO's Institute for the Care of the Families of Martyrs and the Wounded:

Ex. No.	Description
16	Defendants' Bates No. D 02: 006415.
17	Defendants' Bates No. D 02: 006761-74.
19	Defendants' Bates No. D 02: 006827-34.
21	Defendants' Bates No. D 02: 007183-84.
22	Defendants' Bates No. D 02: 007290-303.
23	Defendants' Bates No. D 02: 007304-16.
24	Defendants' Bates No. D 02: 007317-27.
27	Defendants' Bates No. D 02: 007893-95.
28	Defendants' Bates No. D 02: 007896-97.
29	Defendants' Bates No. D 02: 007898.
36A	Defendants' Bates No. D 02: 008952-56.
45	Defendants' Bates No. D 02: 008996.
60	Defendants' Bates No. D 02: 009050-80.
92	Defendants' Bates No. D 02: 009417-29.
93	Defendants' Bates No. D 02: 009430-32.
207	Plaintiffs' Bates No. P 1: 3765-99 [produced by defendants in <i>Gilmore</i>].
317A	Plaintiffs' Bates No. P 3: 1-18.
326	Plaintiffs' Bates No. P 3: 55-58 [produced by defendants in <i>Gilmore</i>].
890	Defendants' Bates No. D 02: 008997.

B. Basis for Authenticity

These documents are authentic records of the PA's and PLO's Institute for the Care of the Families of Martyrs and the Wounded, as seen from the face of the documents, the fact that defendants produced all of them but Ex. 317A in response to document requests seeking such records, the fact that defendants designated them as containing private information, and the fact that defendants represented to the Court that they contain confidential information. See Fed. R. Evid. 901(b)(4).

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C. Response to Hearsay Objection

Defendants' hearsay objections are invalid because these documents are:

1. Admissions. Fed. R. Evid. 801(d)(2);
2. Records of a regularly-conducted activity. Fed. R. Evid. 803(6);
3. Public records. Fed. R. Evid. 803(8); and
4. Material qualifying for the residual hearsay exception. Fed. R. Evid. 807.

D. Foundational Witness (if necessary)

If there is a genuine dispute as to authenticity or hearsay, plaintiffs will require defendant PA to produce a witness or witnesses with knowledge of the Martyr Files' creation, maintenance, and production. Fed. R. Evid. 901(b)(1).

IV. GIS Records

A. The following proposed trial exhibits are records of the PA's General Intelligence Service:

Ex. No.	Description
129	Defendants' Bates No. D 02: 009866-70.
130	Defendants' Bates No. D 02: 009871-78.
131	Defendants' Bates No. D 02: 009879-86.
132	Defendants' Bates No. D 02: 009887-88.
133	Defendants' Bates No. D 02: 009889-93.
134	Defendants' Bates No. D 02: 009894-98.
135	Defendants' Bates No. D 02: 009899-9904.
136	Defendants' Bates No. D 02: 009905-06.
137	Defendants' Bates No. D 02: 009907-08.
138	Defendants' Bates No. D 02: 009909-16.
139	Defendants' Bates No. D 02: 009917.
140	Defendants' Bates No. D 02: 009918-19.
141	Defendants' Bates No. D 02: 009920-23.
142	Defendants' Bates No. D 02: 009924-25.
143	Defendants' Bates No. D 02: 009926-29.
144	Defendants' Bates No. D 02: 009930-41.
145	Defendants' Bates No. D 02: 009942.
146	Defendants' Bates No. D 02: 009943-44.
147	Defendants' Bates No. D 02: 009945-51.
148	Defendants' Bates No. D 02: 009952-54.
149	Defendants' Bates No. D 02: 009955-56.
150	Defendants' Bates No. D 02: 009957-58.
151	Defendants' Bates No. D 02: 009959-61.

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152	Defendants' Bates No. D 02: 009962-64.
153	Defendants' Bates No. D 02: 009965-67.
154	Defendants' Bates No. D 02: 009968-72.
155	Defendants' Bates No. D 02: 009973-75.
156	Defendants' Bates No. D 02: 009976-87.
157	Defendants' Bates No. D 02: 009988-93.
158	Defendants' Bates No. D 02: 009994-96.
159	Defendants' Bates No. D 02: 009997-10001.
160	Defendants' Bates No. D 02: 010002-06.
161	Defendants' Bates No. D 02: 010007-14.
162	Defendants' Bates No. D 02: 010015-25.
163	Defendants' Bates No. D 02: 010026-29.
164	Defendants' Bates No. D 02: 010030-38.
165	Defendants' Bates No. D 02: 010039-41.
166	Defendants' Bates No. D 02: 010044.
167	Defendants' Bates No. D 02: 010045-50.
168	Defendants' Bates No. D 02: 010051-52.
169	Defendants' Bates No. D 02: 010193-96.
233	Plaintiffs' Bates No. P 1: 554.
1028	Defendants' Bates No. D 02: 010197.
1029	Defendants' Bates No. D 02: 010200.
1030	Defendants' Bates No. D 02: 010201-02.
1031	Defendants' Bates No. D 02: 010204.
1032	Defendants' Bates No. D 02: 010217-18.
1033	Defendants' Bates No. D 02: 010219-22.
1034	Defendants' Bates No. D 02: 010223.
1035	Defendants' Bates No. D 02: 010227-30.
1036	Defendants' Bates No. D 02: 010231.
1037	Defendants' Bates No. D 02: 010249-52.
1038	Defendants' Bates No. D 02: 010253-56.
1039	Defendants' Bates No. D 02: 010257.
1040	Defendants' Bates No. D 02: 010258.
1041	Defendants' Bates No. D 02: 010259-62.
1060	Defendants' Bates No. D 02: 010270.

B. Basis for Authenticity

These documents are authentic records of the PA's GIS, as seen from the face of the documents, the fact that defendants produced all but Ex. 233 in response to document requests seeking records of the GIS, the fact that defendants answered interrogatories about Ex. 233 in a manner that did not challenge its authenticity, the fact that defendants designated all the GIS records as containing confidential and privileged information, and the fact that defendants represented to the Court that they contain confidential and privileged information. *See* Fed. R. Evid. 901(b)(4).

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C. Response to Hearsay Objection

Defendants' hearsay objections are invalid because these documents are:

1. Admissions. Fed. R. Evid. 801(d)(2);
2. Records of a regularly-conducted activity. Fed. R. Evid. 803(6);
3. Public records. Fed. R. Evid. 803(8); and
4. Material qualifying for the residual hearsay exception. Fed. R. Evid. 807.

D. Foundational Witness (if necessary)

If there is a genuine dispute as to authenticity or hearsay, plaintiffs will require defendant PA to produce a witness or witnesses with knowledge of the GIS records' creation, maintenance, and production. Fed. R. Evid. 901(b)(1).

V. **Records of the Ministry of Finance**

A. The following proposed trial exhibits are records of the PA's Ministry of Finance:

Ex. No.	Description
20	Defendants' Bates No. D 02: 006835-40
173	Defendants' Bates No. D 04: 000493-494

B. Basis for Authenticity

These documents are authentic records of the PA's Ministry of Finance, as seen from the face of the documents, the fact that defendants produced them in response to document requests seeking records concerning payments to Fatah, the fact that defendants designated them as containing previously nondisclosed financial information, and the fact that defendants successfully insisted that they remain confidential because they contain previously nondisclosed financial information. *See* Fed. R. Evid. 901(b)(4).

C. Response to Hearsay Objection

Defendants' hearsay objections are invalid because these documents are:

1. Admissions. Fed. R. Evid. 801(d)(2);
2. Records of a regularly-conducted activity. Fed. R. Evid. 803(6);
3. Public records. Fed. R. Evid. 803(8); and
4. Material qualifying for the residual hearsay exception. Fed. R. Evid. 807.

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D. Foundational Witness (if necessary)

If there is a genuine dispute as to authenticity or hearsay, plaintiffs will require defendant PA to produce a witness or witnesses with knowledge of the Ministry of Finance's records' creation, maintenance, and production. Fed. R. Evid. 901(b)(1).